

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

In re:

ATOKA COUNTY HEALTHCARE AUTHORITY,

Debtor.

)
)
) Case No. 17-80016
) Chapter 9
)
)

**THIRD APPLICATION FOR APPROVAL AND ALLOWANCE OF INTERIM
COMPENSATION FOR SERVICES AND REIMBURSEMENT FOR EXPENSES
OF PATIENT CARE OMBUDSMAN**

COMES NOW Deborah Burian, the duly appointed patient care ombudsman (the “PCO”) in the above styled and numbered bankruptcy proceeding and applicant herein, and hereby respectfully applies to this Court for allowance of her third interim application and award of compensation for her services and reimbursement for her expenses for the time period June 20, 2018 to October 31, 2018, pursuant to 11 U.S.C. §§330 and 331 and the orders of this Court. In support of her application, PCO would show the Court as follows:

1. This Court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334 and venue is proper pursuant to 28 U.S.C. §§1408 and 1409.
2. On January 10, 2017, the Atoka County Healthcare Authority (the “Debtor”) filed a voluntary petition [DOC: 1] for relief under Chapter 9 of the Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the “Code”).
3. On January 27, 2017, the United States Trustee filed the *United States Trustee’s Appointment of Patient Care Ombudsman* [DOC: 23], pursuant to which Deborah Burian was appointed as the patient care ombudsman in this case.
4. This is the PCO’s third fee application.

5. Since the date of her appointment, the PCO has conducted monitoring visits, has reviewed documents and filings, conducted interviews with administrative staff, patients and family members; and had communication with counsel for the Debtor and the Assistant United States Bankruptcy Trustee.

6. The services provided by the PCO have been necessary to fulfill her duties as Patient Care Ombudsman at Debtor's facilities.

7. The time and fees included in this Application are reasonable and customary according to the circumstances of the case and consistent with the experience of the PCO.

9. The services performed, and expenses incurred, by the PCO are set forth in detail in the billing statements attached hereto as Exhibit "A". The billing statement includes the date the service was performed, a brief explanation of the service, and the time expended.

10. The PCO employed The Gooding Law Firm, P.C. ("Gooding") to assist her in connection with her duties as patient care ombudsman. In connection with its representation of the PCO Gooding has performed legal services and incurred expenses in a total amount of \$410.74, all as are more fully set out in the complete accounting annexed as Exhibit "B" attached hereto and incorporated herein by reference.

11. The PCO is requesting payment of compensation for the period June 20, 2018 to October 31, 2018, in the amount of \$2,660.00 arising from 18.70 hours of service as patient care ombudsman. PCO also requests payment of expenses in the amount of \$136.44 to include payment for mileage (\$99.90), meals and lodging (\$36.54), and attorney's fees and expenses (\$410.74) through October 31, 2018.

12. The PCO submits that all services and expenses set forth in Exhibit "A" and Exhibit "B" were reasonable and necessary in order to perform her duties as patient care ombudsman.

13. The PCO hereby requests that she be authorized to pay herself from the retainer provided pursuant to the *Debtor's Ex-Parte Application for an Order Appointing a Patient Care Ombudsman* [DOC: 66], fees and expenses in the amount of \$3,207.18 from the \$5,000.00 retainer advanced by the Debtor and currently being held in trust by PCO; and that Debtor be directed, as per prior order of this Court, to replenish the retainer to \$5,000.00.

WHEREFORE, Deborah Burian prays the Court enter its order granting her immediate payment of \$3,207.18 in fees and expenses for the time period of period June 20, 2018 to October 31, 2018; and directing the Debtor to replenish the PCO retainer to \$5,000.00.

Respectfully submitted,

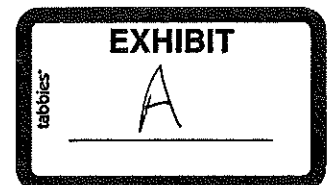
/s/ Mark B. Toffoli
Mark B. Toffoli OBA # 9045

THE GOODING LAW FIRM
A PROFESSIONAL CORPORATION
100 North Broadway, Suite 3300
Oklahoma City, Oklahoma 73102
TELEPHONE: (405) 948-1978
TELEFACSIMILE: (405) 948-0864
EMAIL: mtoffoli@gooding firm.com

ATTORNEYS FOR
DEBORAH BURIAN

Third Interim Fee Application
Atoka County Medical Center
Period ending 10/31/2018

Date	Work Time	Travel Time	Miles	Other	Comments
6/20/2018	0.10				Review filings
7/18/2018	0.20				Review filings
8/8/2018				\$ 150.00	Attorney fees, hearing and mailing
8/8/2018	0.40				emails and hearing, attorney
8/9/2018				\$ 140.74	Attorney Fees, notice and copying
8/14/2018	4.00				Prep and site visit
8/14/2018		3.00	185	\$ 36.54	Travel, mileage, meals, hotel
8/22/2018	1.00				follow up site visit, interim report to facility with request for follow up.
8/24/2018	0.10				Review filings
9/7/2018	0.50				follow up CNO re: site visit issues
9/10/2018	2.20				Emails CNO & admin re: various, reports to court, emails atty
9/11/2018	3.00				email facility, dietary changes, 60 day report
9/12/2018				\$ 60.00	Attorney fees, file report
9/18/2018				\$ 60.00	Attorney fees, file report
9/18/2018	2.00				complete and file 60 day report
9/19/2018	0.10				Review filings
10/31/2018	0.10				Review filings



Job Totals	Hours	Mileage	Other
Totals	13.70	3.00	185.00
Rates	175.00 \$	87.50 \$	0.54
Totals	2397.50 \$	262.50 \$	99.90 \$
			447.28 \$
			3,207.18

THE GOODING LAW FIRM
A PROFESSIONAL CORPORATION
204 NORTH ROBINSON AVENUE
SUITE 650
OKLAHOMA CITY, OK 73102
EIN: 73-1604266

Deborah Burian
2125 NW 28th Street
Oklahoma City OK 73107

Page: 1
09/20/2018
Account No: 49-00009M
Statement No: 1

Atoka County Healthcare Authority; Chapter 9

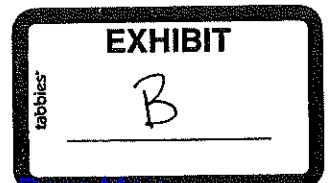
*Payments received after 09/20/2018
are not included on this statement.*

			<u>Fees</u>		
				Hours	
08/08/2018	MBT	Telephone status conference with court.		0.20	60.00
	MBT	Review of mailing matrix for inaccurate mailing addresses; prepare and file certificate of service regarding mailing second PCO fee application order.		0.30	90.00
		For Current Services Rendered		0.50	150.00
		Recapitulation			
<u>Timekeeper</u>	<u>Title</u>		<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK B. TOFFOLI	Associate		0.50	\$300.00	\$150.00

		<u>Expenses</u>	
08/09/2018	Postage for mailing of second order approving PCO application for compensation and reimbursement of expenses.		106.69
08/09/2018	PHOTOCOPY CHARGES for Order approving PCO Fees		34.05
	Total Expenses		140.74
	Total Current Work		290.74
	Balance Due		<u>\$290.74</u>

Billing History				
<u>Fees</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
150.00	140.74	0.00	0.00	0.00

Thank you for your business.



THE GOODING LAW FIRM
A PROFESSIONAL CORPORATION
204 NORTH ROBINSON AVENUE
SUITE 650
OKLAHOMA CITY, OK 73102
EIN: 73-1604266

Deborah Burian
2125 NW 28th Street
Oklahoma City OK 73107

Page: 1
10/01/2018
Account No: 49-00009M
Statement No: 2

Atoka County Healthcare Authority; Chapter 9

***Payments received after 10/01/2018
are not included on this statement.***

Fees

			Hours	
09/12/2018	MBT	Prepare and file PCO eighth periodic report.	0.20	60.00
09/19/2018	MBT	Prepare and file ninth PCO periodic report.	0.20	60.00
		For Current Services Rendered	0.40	120.00

Recapitulation

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
MARK B. TOFFOLI	Associate	0.40	\$300.00	\$120.00
Total Current Work				120.00
Previous Balance				\$290.74
Balance Due				<u>\$410.74</u>

Aged Due Amounts

<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91-120</u>	<u>121-180</u>	<u>181+</u>
410.74	0.00	0.00	0.00	0.00	0.00

Billing History

<u>Fees</u>	<u>Expenses</u>	<u>Advances</u>	<u>Finance Charge</u>	<u>Payments</u>
270.00	140.74	0.00	0.00	0.00

Thank you for your business.